

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Tuesday, January 15, 2013 at 7:00 p.m. in City Council Chambers at City Hall.

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| There were present: | Mayor | Baca Gonzalez, presiding |
| | Councilmembers | Bolton, Bonato, Miles, Shew, Velasquez |
| Also present: | Acting City Manager | Acre |
| | City Attorney | Downs |
| | City Clerk | Garrett |
| Absent: | Councilmember | Mattie |

Proclamation – Lonnie & Marilyn Shelton Babe Ruth Car Day – January 21, 2013. The proclamation was presented at an earlier gathering.

The pledge of allegiance was recited.

APPROVAL OF THE MINUTES. Regular Meeting of January 2, 2013 & Special Meeting of January 8, 2013. A motion to approve the minutes as presented was made by Councilmember Bolton and seconded by Councilmember Shew. The motion carried by a unanimous roll call vote.

PUBLIC HEARING. Tavern liquor license renewal application filed by Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street and motion to vacate the public hearing and accept the letter stipulation agreement with Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street and renew the license. City Attorney Downs advised Council that the stipulation is complete with the offer Council tasked him to negotiate with Pat Mantelli through her legal counsel. He noted their presence and said he believed there to be an agreement. A motion to vacate the public hearing and accept the letter stipulation agreement with Mantelli's Partnership d/b/a Mantelli's at 137 W. Main Street and renew the license in accordance with the law and terms of the stipulation agreement was made by Councilmember Bolton. The motion was seconded by Councilmember Shew. Councilmember Miles asked that the terms of the stipulation agreement be shared with those present. City Attorney Downs outlined the terms as follows: 1) Mantelli's admit there was a liquor license violation of the Code of Regulations 203-2, the factual basis for which was a number of drug transactions having taken place in Mantelli's, whereby in some of those instances an employee of the establishment was involved (an admission that there was some illegal activity in the nature of drug distribution alleged); 2) Mantelli's would be on "probation" for one year; 3) Mantelli's will have a 30-day suspension of the liquor license with 25 days being suspended (held in abeyance) and an active five-day suspension to be served with those dates to be decided on by Pat Mantelli through her attorney and approved by City Council as the local liquor licensing authority; 4) Mantelli's will contribute \$1,000 to the City of Trinidad's non-profit fund so that the money could be distributed to one or more non-profits; 5) Mantelli's agrees that they would not transfer the liquor license any sooner than December 31, 2014; and 6) Mantelli's have agreed to cooperate in terms of minimizing loitering, noting that there had been a number of complaints previously that this stipulation would address. Mayor Baca Gonzalez asked if she is correct in that the employee who was allegedly involved is no longer associated with Mantelli's. City Attorney Downs advised that he was informed that the individual was terminated shortly after the allegations arose. He identified Rodolfo (Rudy) Reveles, Mantelli's legal counsel, in the audience to answer any questions and noted that they have signed the stipulation agreement. Councilmember Shew asked if the fire extinguishers that were in need of replacement had been replaced and checked. Pat Mantelli advised that they were taken care of. Roll call was taken on the motion and carried unanimously.

Tavern liquor license renewal application filed by Robert Leonetti d/b/a Park Café at 608 Arizona Avenue - motion to vacate the public hearing and consideration of tavern liquor license renewal request by Robert Leonetti d/b/a Park Café at 608 Arizona Avenue. City Attorney Downs noted the presence of Robert Leonetti with legal counsel Jon Neil Barclay. He recommended Council renew the license, stating that there are no violations that would cause Council to do otherwise. A motion to vacate the public hearing and renew the tavern license was made by Councilmember Shew and seconded by Councilmember Bonato. The motion carried unanimously upon roll call vote.

PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN. ICSC, International Council of Shopping Centers. Bill Winter addressed Council regarding ICSC. He said it is something he'd like Council to consider attending in May of this year. He told Council that a recon is held in Las Vegas, Nevada, each year. This year it will be held May 19th through May 22nd and 70% of all shopping center transactions are made during these four days. Mr. Winter said it is much more than shopping centers, which Trinidad couldn't support another at this time. He said they would need to plan now and make appointments to meet with people. The information and networking is phenomenal. It is an opportunity to tell retailers what Trinidad has and what we are looking for and to find out what the retailers are looking for. Mr. Winter told Council that the cities of Greeley, La Junta, Firestone, Lone Tree and Commerce City had representation at the event last year. He urged Council to strongly consider attending adding that it is a good step forward to economic recovery. Councilmember Miles asked if he knew the booth cost. Mr. Winter said he did not, however it is \$2,500 per person to attend. He continued that the City would be able to target who they wanted to see, for instance when he attended he approached Safeway, Cabela's, Bass Pro Shops. Most have criteria, such as traffic numbers, population, etc., and they let you know up front. Walgreens, Right Aid, and Trader Joe's are not doing businesses in Colorado right now. Mayor Baca Gonzalez commented that it is a very proactive means to seek economic development. She suggested he interact with Acting City Manager Acre to see if he and staff or a representative from City Council can go on the trip. Mr. Winter suggested someone from the County should attend because they will also play a key role. He added that two to three people should go because it would be overwhelming for just one to accomplish what needs to be accomplished. Acting City Manager Acre told Council that he has attended the annual event a few times while with Commerce City and it will be good to work with Mr. Winter to get the information. He estimated the cost to man a booth at \$10,000. He concluded that it does build

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relations and may take several years to get to know some of those people.

REPORT BY CITY MANAGER. Southwest Chief, between Albuquerque, NM and Topeka, KS. Acting City Manager Acre pointed out the information provided regarding the meeting he and Councilmember Bolton attended on their train trip last week. He said it was a very worthwhile trip and there were a lot of conversations that are getting things started. There were representatives from La Junta, Lamar, Garden City, and Dodge City, Kansas. Also, the Kansas Department of Transportation had representation there including their cabinet member and Colorado Department of Transportation had their multi-model representation there. They talked to BNSF and Amtrak and they set their next goals. He suggested they have a future work session to discuss their next steps. Councilmember Bolton added that it was very helpful and they learned a lot. They met numerous people who they will be working with in the future. She noted that the information provided was compiled by jointly Amtrak and BNSF and they could go over the information at the next work session in depth. There are some good steps being made.

2012. Budget. Acting City Manager Acre said he is working on a final budget memo to include in the budget. He asked Council to advise his office of their preference in how they receive the budget, paper copy or electronically.

Retreat. Acting City Manager Acre said he identified some dates for the retreat, either Saturday, February 9th or Tuesday, February 12th. Still being considered is if it will be one-half day or all day and a site that is either free or low cost. He said he thought it is best to do it outside the normal venue of Council Chambers and maybe get a facilitator who is a former mayor that he knows. He added that he'll get questions out to them before the retreat. Councilmember Miles offered her off the grid home as a location for the retreat. The only problem would be access if there is snow. Acting City Manager Acre said that type of a place keeps focus. Mayor Baca Gonzalez commended the generous offer.

REPORT BY CITY ATTORNEY. City Attorney Downs deferred comment to the agenda items he needed to address Council about.

COMMITTEE REPORTS. None.

UNFINISHED BUSINESS. None.

MISCELLANEOUS BUSINESS. Consideration of water lease agreement between the City of Trinidad and Ken Torres, Torres Fish Hatchery. Acting City Manager Acre advised Council that Administrative Assistant Linda Vigil was present in Utilities Superintendent Jim Fernandez's absence to answer any questions. He noted that it is pretty straight forward and they are ready to move forward based on the work session discussion. Councilmember Bolton noted for the record that the amendment to the agreement since the work session is for 2014 purchase of water as well as for 2013. Admin. Assistant Vigil pointed to paragraphs 3, 4, and 9 having had changes dealing with the dates, being a two-year agreement and the consequential payment. A motion to approve the agreement was made by Councilmember Shew and Councilmember Miles seconded the motion. Councilmember Bonato asked if the terms have been agreed upon by the City's water attorney. Ms. Vigil advised that Jeff Kahn, legal counsel, prepared the amended agreement. Terry Sears suggested Council might want to consider a one-year lease with an option because the drought projections are serious. The projections are that we are half way through a twenty-year cycle. Ms. Vigil advised that all of the City's lease agreements indicate that the City makes no guarantee of the water in case of drought or mechanical failure. Additionally the amount being considered is 6.85 acre feet. Roll call was taken on the motion and carried unanimously.

Consideration of letter of professional services for the 2012 audit by Dixon, Waller & Co., Inc. Acting City Manager Acre told Council that this is a routine agreement and is a benefit to the City to be audited on a regular basis. He recommended approval of the agreement. Councilmember Velasquez moved to approve the letter of professional services and the motion was seconded by Councilmember Bolton. Roll call was taken on the motion and it carried unanimously.

Resolution supporting the agreement between the City of Trinidad, Colorado, and the State Board of the Great Outdoors Colorado Trust Fund for the Boulevard Addition Project. Acting City Manager Acre told Council that it is a requirement of GOCO for grant recipients to get Council approval. City Planner Fineberg added that the agreement is straight forward. After the resolution is passed and the agreement signed there will be appraisals done. He said he would keep Council apprised as the process proceeds. A motion to adopt the resolution was made by Councilmember Bolton and Councilmember Shew seconded the motion. The motion carried unanimously upon roll call vote.

RESOLUTION NO. 1408

RESOLUTION SUPPORTING THE AGREEMENT BETWEEN THE CITY OF TRINIDAD, COLORADO, AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE BOULEVARD ADDITION PROJECT

Consideration of a letter of support for Governor's Cabinet visit for Summer of 2013. Mayor Baca Gonzalez reminded Council of their discussion at work session. Colorado Welcome Center Director Tara Marshall advised Council that the Las Animas County Board of Commissioners approved a letter of support this morning. A motion to approve the letter of support was made by Councilmember Shew. Councilmember Miles seconded the motion. She asked if the Governor's Cabinet is inclined to come back. Ms. Marshall answered that the chances are really good. The Action 22 Executive Board will make the decision and the letters of support can help. Councilmember Miles asked if there was more that Council can do. Ms. Marshall said that Karen Brown from Pioneer Natural Resources is on the Board and she would let them know the status through Acting City Manager Acre. Mayor Baca Gonzalez pointed out that Trinidad State Junior College is willing to provide the facilities which should bode well. Ms. Marshall added that the private/public partnerships should also help. Roll call was taken and the motion carried by a unanimous vote.

Consideration of Amendment to Water Lease Agreement by New Elk Coal Company. Acting City Manager Acre

asked Council to recall the executive session they had back on December 11th whereby the City's water attorney addressed Council. Council gave the attorney direction and this agreement reflects those suggestions. City Attorney Downs added that he spoke to the City's water attorney, Jeff Kahn, several times today and noted one addition contained in this amendment. Mr. Kahn wisely suggested New Elk Coal Company be required to reimburse the City for legal expenses associated with this amendment. That was likewise done in the original agreement. Mr. Kahn indicated that he talked to Paul Flak from New Elk Coal about this and Mr. Flak didn't have an objection. Councilmember Miles commented that this amendment ensures Trinidad will have control instead of the water being sold in the open market. City Attorney Downs also pointed out that the \$25,000 has to be paid by January 31, 2013 and the 50 acre feet for 2013 has to be used first. Councilmember Bolton pointed out that paragraph five, line three references an on or before date of January 31st but doesn't say what year. City Attorney Downs said it should read 2013 and the change will be made. A motion to approve the Amendment to Water Lease Agreement by New Elk Coal Company including the additional reference of the year 2013 in paragraph five was made by Councilmember Bolton. The motion was seconded by Councilmember Shew and carried by a unanimous roll call vote.

BILLS. A motion to approve payment of the bills as presented was made by Councilmember Shew. The motion was seconded by Councilmember Velasquez. Roll call was taken on the motion to approve the bills and it carried unanimously.

PAYROLL, January 5, 2013 through January 18, 2013. A motion to approve the payroll was made by Councilmember Bolton and seconded by Councilmember Bonato. The motion carried unanimously.

ADJOURNMENT. There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Velasquez and seconded by Councilmember Bonato. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

BERNADETTE BACA GONZALEZ,
Mayor

AUDRA GARRETT, City Clerk